

SILLS CUMMIS & GROSS P.C.

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PRISTEC REFINING TECHNOLOGIES USA, LLC, EARLE REFINING LLC, EARLE OIL INVESTMENTS, LLC, and T.J. EARLE,	:	Civil Action No.: 17-cv-4427 (PGS) (LHG)
Plaintiffs,	:	<i>(Document Electronically Filed)</i>
v.	:	
PRISTEC AG and PRISTEC AMERICA, INC.,	:	<u>ORDER TO SHOW CAUSE</u>
Defendants.	:	

THIS MATTER having been opened to the Court by Plaintiffs Pristec Refining Technologies USA, LLC, Earle Refining LLC, Earle Oil Investments, LLC, and Thomas J. Earle (collectively, “Plaintiffs”), by and through their counsel, Sills Cummins & Gross P.C., by way of Order to Show Cause, seeking a preliminary injunction pursuant to Fed. R. Civ. P. 65 and L. Civ. R. 65.1, enjoining and compelling Defendants Pristec AG and Pristec America, Inc. (together, “Defendants”) to specifically perform their obligations under their agreements with Plaintiffs; and the Court having considered Plaintiffs’ Complaint, the Declaration of Thomas J. Earle, and the accompanying Brief submitted in support of Plaintiffs’ application, and it appearing that good and sufficient reasons exist to proceed by way of Order to Show Cause, and for good cause shown,

IT IS on this _____ day of _____, 2017,

1. **ORDERED** that Defendants shall appear and show cause on the ___ day of ___ _____, 2017 at ___ a.m./p.m., before the Hon. Peter G. Sheridan, U.S.D.J., United States District Court for the District of New Jersey, at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, why an Order for the following relief under Fed. R. Civ. P. 65 should not be entered:

A. preliminarily enjoining and compelling Defendant Pristec America, Inc. to specifically perform its obligations under the Operating Agreement of Pristec Refining

Technologies USA, LLC dated as of September 14, 2016, and the Equipment Sales

Agreement and Exclusive Intellectual Property License dated as of September 14, 2016;

B. preliminarily enjoining and compelling Defendant Pristec AG to

specifically perform its obligations under the License Performance Guaranty dated

January 1, 2017, and the Equipment Sales Agreement and Exclusive Intellectual Property

License dated as of September 14, 2016;

C. preliminarily enjoining and compelling Defendant Pristec AG to

specifically perform its obligations under the March 23, 2017 Letter of Intent between

Pristec AG and Thomas J. Earle;

D. preliminarily enjoining and compelling Defendant Pristec AG to

specifically perform its obligations under the agreement between Pristec AG and Plaintiff

Earle Refining LLC and transfer 50% ownership in the rights to certain patent

application(s) pending before the United States Patent and Trademark Office under

Application No. US13/640932 and International Application No. PCT/AT2011/000184,

and which include Austrian Patent No. AT 509 680 B1 issued April 15, 2012 and

Austrian Patent No. AT 510 227 B1 issued January 15, 2013 concerning certain inventions and/or technology purportedly owned by Pristec AG, to Earle Refining LLC;

E. preliminarily enjoining and compelling Defendant Pristec America, Inc. to specifically perform its obligations under the Operating Agreement of Pristec Northeast, LLC dated as of January 15, 2016, and the Investor Rights Agreement dated January 15, 2016, to return the \$150,000 deposit for the Southeast License Fee to Plaintiff Earle Oil Investments, LLC; and

F. awarding Plaintiffs such other relief as the Court deems just and proper.

2. **AND IT IS FURTHER ORDERED** that a copy of this Order to Show Cause, together with copies of the Complaint, Summons, the Declaration of Thomas J. Earle (with exhibits), and the supporting Brief, shall be served upon Defendant Pristec AG, at Lobgrundstrasse 3, A-1220 Vienna, Austria, and upon Defendant Pristec America, Inc., at 807 South Main Street, Las Vegas, Nevada 89107, and upon Defendants' transaction counsel, Mark J. Riedy, Esq., Kilpatrick Townsend & Stockton LLP, 607 14th Street, NW, Suite 900, Washington, DC, 20005, by _____, on or before the ___ day of _____, 2017, and such service shall be deemed good and sufficient service thereof;

3. **AND IT IS FURTHER ORDERED** that Defendants shall electronically file any papers in opposition to this Order to Show Cause with the Court, and simultaneously serve copies of such papers upon Plaintiffs' attorneys, Sills Cummis & Gross, P.C., One Riverfront Plaza, Newark, New Jersey 07102 (Attention: Thomas A. Della Croce, Esq.), so as to be received on or before the ___ day of _____, 2017.

4. **AND IT IS FURTHER ORDERED** that Plaintiff shall electronically file any reply papers with the Court, and simultaneously serve copies of such papers upon Defendants

and their counsel at the addresses listed above, so as to be received on or before the ___ day of ___
_____, 2017.

5. **AND IT IS FURTHER ORDERED** that the Court will notify the parties
whether it will entertain argument on the return date of the Order to Show Cause, in accordance
with Local Civil Rule 78.1.

Hon. Peter G. Sheridan, U.S.D.J.